

Municipal Building, Harmony, NJ
Regular Committee Meeting
July 7, 2015
7:00 p.m.

Meeting The Regular Meeting of the Harmony Township Committee was called to order by Mayor Tipton. Mr. Tipton made the following announcement: “Adequate notice of this meeting was given in accordance with the Open Public Meetings Act by providing a notice of the meeting to the Star Gazette and The Express-Times, posting a copy thereof on the Township bulletin board and filing a copy thereof in the office of the Municipal Clerk.” The Pledge of Allegiance to the American Flag was led by the Mayor.

Roll Call Present Mayor Tipton, Deputy Mayor Yamrock and Committeeman Cornely.

Executive Motion by Tipton, seconded by Yamrock and carried unanimously to go into executive session to discuss personnel and contract matters.

The Committee resumed into the regular meeting at this time.

Consent Motion by Yamrock, seconded by Cornely and carried unanimously by
Agenda roll call vote to approve the following items on the consent agenda:

Municipal Attorney – Declaratory action for COAH being filed
tomorrow.-

Municipal Engineer – Harmony Sand and Gravel have been giving update reports every 2 weeks. He has been providing them to the committee. They haven’t made a lot of progress in the last few weeks due to the rain. He will keep following up on them.
Aqua NJ will be sending the check to Harmony very soon.
Harmony Solar is about done. Inspections have been going on.

Road Department Supervisor Written Report

Warren County Health Department Written Report

Minutes of June 2, 2015

Resolutions:

TOWNSHIP OF HARMONY
Warren County, New Jersey
R:15-28

MUNICIPAL ALLIANCE GRANT PROGRAM

WHEREAS, the Governor’s Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in communities throughout New Jersey.

WHEREAS, the Committee of the Township of Harmony, County of Warren, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and,

WHEREAS, the Township of Harmony Committee further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Township of Harmony Committee has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse through the County of Warren,

NOW, THEREFORE, BE IT RESOLVED, by the Township of Harmony Committee, County of Warren, State of New Jersey hereby recognizes the following:

- 1. The Township of Harmony Committee does hereby authorize submission of an application for the Municipal Alliance Grant for calendar years 2015-2016 in the amount of
 - DEDR \$3824.00
 - Cash Match \$1153.00
 - In-Kind \$2882.00
- 2. The Township of Harmony Committee acknowledges the terms and conditions for administrating the Municipal Alliance Grant, including the administrative compliance and audit requirements.

Approved: _____
Brian Tipton, Mayor

CERTIFICATION

I, Kelley D. Smith, Municipal Clerk of the Township of Harmony, County of Warren, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township of harmony Committee on the 7th day of July 2015.

Kelley D. Smith, Municipal Clerk

**TOWNSHIP OF HARMONY
COUNTY OF WARREN, STATE OF NEW JERSEY
RESOLUTION NO. 15-29**

**RESOLUTION PROVIDING FOR THE RENEWAL
OF ALCOHOLIC BEVERAGE LICENSES FOR THE
PERIOD FROM JULY 1, 2015 TO JUNE 30, 2016**

BE IT RESOLVED by the Township Committee of the Township of Harmony that:

WHEREAS, no protests or complaints having been filed by any person with the Harmony Township Committee concerning the renewal of the Township’s Alcoholic Beverage Licenses as set forth herein; and

WHEREAS, applications for renewal have been received and have been found to appear proper in form and content; and

WHEREAS, the applicants set forth herein are all qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes and Regulations promulgated therein, as well as pursuant to Township ordinances and conditions consistent therewith; and

WHEREAS, Alcoholic Beverage Retail Licensee Clearance
Certificates for the renewal of the licenses have been received from the
New Jersey Division of Taxation in compliance with Chapter 161, Laws
of New Jersey 1995; and

WHEREAS, additional financing obtained in the previous license
term, if any, as disclosed by the licensees has been reviewed and
considered;

NOW, THEREFORE BE IT RESOLVED that the following
licenses be granted effective July 1, 2015 to June 30, 2016;

PLENARY RETAIL CONSUMPTION:

- Township Fee: \$430.00
- | | |
|-----------------|--|
| 2110-33-008-004 | Hutchinson Del River, Inc. t/a The Hutch
2090 Hutchinson River Rd
Harmony Township
Phillipsburg, NJ 08865 |
| 2110-33-003-004 | Harkers Management LLC
950 Uniontown Road
Harmony Township
Phillipsburg, NJ 08865 |
| 2110-33-006-008 | Congdon Investment, LLC
1365 Strykers Road
Harmony Township
Phillipsburg, NJ 08865 |
| 2110-33-005-019 | Skoogy’s Sports Bar & Restaurant, LLC
3231 Belvidere Road
Harmony Township
Phillipsburg, NJ 08865 |

PRELIMINARY RETAIL DISTRIBUTION

- Township Fee: \$354.00
- | | |
|-----------------|--|
| 2110-44-001-004 | A&A Liquor, LLC t/a Harmony Spirits & Grocery
2330 Belvidere Rd
Harmony Township
Phillipsburg, NJ 08865 |
|-----------------|--|

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I, Kelley D. Smith, Municipal Clerk of the Township of Harmony,
do hereby certify the foregoing to be a true copy of a Resolution adopted
by the Harmony Township Committee at a meeting held on July 7, 2015.

Kelley D. Smith
Municipal Clerk

R:15-30

**A RESOLUTION OF THE TOWNSHIP OF HARMONY,
COUNTY OF WARREN, STATE OF NEW JERSEY,
AUTHORIZING THE MUNICIPAL SHARED
SERVICES DEFENSE AGREEMENT**

WHEREAS, the Township of Harmony, Warren County has filed or anticipates filing a Declaratory Judgment Action in the Superior Court of New Jersey Warren County in furtherance of the Supreme Court's March 10, 2015 decision captioned In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (the "Supreme Court Decision"); and

WHEREAS, Fair Share Housing Center ("FSHC"), through the services of David Kinsey, has prepared what it considers to be the statewide fair share numbers (the "FSHC Numbers") for use by the 15 vicinage Mt. Laurel Judges to calculate a municipality's affordable housing obligation pursuant to the Supreme Court Decision; and

WHEREAS, the Township of Harmony desires to participate in the preparation of a statewide fair share analysis to be undertaken by Rutgers, The State University of New Jersey ("Rutgers"), through Dr. Robert W. Burchell, Principal Investigator, and various other experts employed by Rutgers in order to establish a rational and reasonable methodology (the "Burchell Fair Share Analysis") for determination of a municipality's obligation to provide a realistic opportunity through its land use ordinances for its fair share of the region's affordable housing needs in accordance with the Mount Laurel Doctrine as set forth in In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) ("Decision") and prior decisions of the Courts of New Jersey, and the Fair Housing Act, N.J.S.A. 52:27D-301 et. seq.; and

WHEREAS, Rutgers, utilizing Dr. Burchell as the Principal Investigator and author has agreed to prepare the Burchell Fair Share Analysis within 90 days of being retained to establish his view of the proper way to determine each municipality's fair share obligation; and

WHEREAS, Dr. Burchell estimates the cost to prepare the initial Burchell Fair Share Analysis will be \$70,000; and

WHEREAS, it is anticipated that there will be a need for Dr. Burchell to analyze any challenges to his conclusions and prepare a rebuttal report to said challenges which is not included in the \$70,000; and

WHEREAS, it is anticipated that if each municipality contributes \$2,000, there will be sufficient monies to pay the cost to prepare the initial Burchell Fair Share Analysis, to analyze any challenges to the Initial Fair Share Analysis and to Prepare A Rebuttal Report given the number of municipalities that have expressed an interest in retaining Burchell; and

WHEREAS, a Municipal Shared Services Defense Agreement (hereinafter MSSDA"), has been prepared (a) so that monies can be collected to enter into an agreement with Rutgers (hereinafter "the Rutgers Agreement") and so that Burchell, along with various other experts from Rutgers, can perform the tasks described above and (b) so that the rights and responsibilities of each municipality that wishes to sign the agreement to retain Rutgers are defined; and

WHEREAS, the MSSDA provides that the Law Offices of Jeffrey R. Surenian and Associates, LLC (“Surenian”) will serve as the administrative entity to sign the Rutgers agreement on behalf of the municipalities that signed the MSSDA and paid the \$2,000 fee; and

WHEREAS, it is imperative given the time constraints for municipalities that wish to retain Burchell to sign the MSSDA and pay the \$2,000 fee so that Burchell can conduct the necessary analysis; and

WHEREAS, notwithstanding the foregoing, it is possible that the MSSDA may need to be changed as a result of ongoing negotiations with the Rutgers agreement following execution of the MSSDA and the payment of the \$2,000 fee; and

WHEREAS, in such an event, any member that objects to the changes that Rutgers may require shall have the opportunity to relinquish membership in the Municipal Group and to receive back the \$2,000 payment as more specifically set forth in the MSSDA.

NOW, THEREFORE, BE IT RESOLVED, by the Committee of the Township of Harmony, as follows:

1. The terms and conditions of the MSSDA attached hereto are hereby approved, ratified and confirmed.
2. The amount of \$2,000 is hereby authorized to be expended by the Township of Harmony for Rutgers through Dr. Robert Burchell, Principal Investigator to prepare the Burchell Fair Share Analysis.
3. A certification of funds authorizing the aforesaid expenditure has been signed by the Chief Financial Officer of the Township of Harmony and is appended hereto.
4. The Mayor be and is hereby authorized to execute the aforesaid MSSDA to memorialize the participation of the Township of Harmony in the preparation of the Burchell Fair Share Analysis and to take any and all actions reasonably required to effectuate said Agreement.
5. The Township of Harmony hereby authorizes Jeffrey R. Surenian, Esq. to execute on behalf of the Township of Harmony the Research Agreement with Rutgers to initiate and complete Burchell Fair Share Analysis and to do such other actions to effectuate the purposes of said Research Agreement.
6. If further changes to the MSSDA are needed as a result of finalizing the Rutgers Agreement, within ten (10) days of notification by Surenian of the changes, the Township of Harmony will inform Surenian if it objects to the changes and wishes to withdraw from the Municipal Group and obtain a refund of the \$2000 it paid.
7. This Resolution shall take effect immediately.

Brian R. Tipton, Mayor

CERTIFICATION

I, Kelley Smith, Municipal Clerk for the Township of Harmony, do hereby certify that the foregoing is a true copy of a resolution duly adopted by the Township Committee at its July 7, 2015 meeting.

Kelley Smith
Municipal Clerk

Correspondence:

1. Resident letter regarding emergency services
2. Trans-Mix Quarry Soil Erosion Control Plan Approval Notification
3. Notice from The Land Conservancy of New Jersey of Non-Profit Farmland Preservation Application for Tjalma 11 Farm and Tjalma 111 Farm
4. Notice of Annual Auction from the Warren County Purchasing Department

New Business

1. Request to acquire a piece of property on Fox Farm Road – The resident had called Mayor Tipton and asked about the small parcel. Mr. Fritts indicated that it's a little triangle piece that they want a right of way to Fox Farm Road because they have been taking care of it. Mayor Tipton said it's about ¼ acre and he would like to get it back on the tax roles if possible. Mayor Tipton asked Mr. Weber to look into the engineer files from when the road was realigned. He would like approximate size and location of the parcel. Block 25, Lot 9.03 is the property information. If it's no longer needed for public purpose the township could offer it to the interested party. Ms. Campbell stated it's .2181 acres and assessed at \$1,200. She recommended asking the Assessor for a fair market value. The clerk will request that from the assessor.
2. Motion by Yamrock, seconded by Cornely to adopt the following resolution:
HARMONY TOWNSHIP
WARREN COUNTY, NJ
R:15-31

A RESOLUTION AUTHORIZING TAX PAYMENT REFUND TO BLOCK 24, LOT 1.

WHEREAS, the Atlantic Electric & Delmarva Power & Light made an overpayment of taxes in the amount of \$6,282.61, both companies are now known as Conectiv.

NOW, THEREFORE, BE IT RESOLVED on this 7th day of July that the Chief Financial Officer is authorized to issue a check in the amount of \$6,282.61 for the overpayment of 2015 taxes on block 24 Lot 1 known as 34 Merrill Creek Road and mail to the following:

Conectiv
PO Box 6066
Newark, DE 19714

CERTIFICATION

Certification

I, Kelley D. Smith, Municipal Clerk of the Township of Harmony, County of Warren and State of New Jersey do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by Township Committee at a meeting held on Tuesday, July 7, 2015.

Kelley D. Smith

Roll Call: Ayes: Tipton, Yamrock, Cornely. Nays: None

Old

Business

1. Budget Estimate by ND Engineering; Millbrook Road Resurfacing Project – Mayor Tipton summarized the projects being done by 2 municipal engineers and indicated there is confusion on who is doing what. He stated that each engineering project must be approved by the committee each month. A list of general topics will be looked at and the committee will be discussed as needed. The estimate for the Millbrook Road project by ND Engineering will be carried at this time.
2. R:15-26; Resolution of memorialization Harmony Sand and Gravel 2015 Quarrying Permit – Mayor Tipton indicated that due to the inactivity he asked what the committee would like to do. Mrs. Yamrock stated she would like it tabled because when the had time to do work they didn't get it done, she understand the weather this past month wasn't cooperative by they could of done more before. Mayor Tipton recommended tabling it until they get substantially caught up. Mr. Cornely agreed. This resolution was tabled at this time.
3. Clothing Bins – Tabled at this time.
4. A Resolution Dedicating Recreational Field In Memory of Nathaniel Haggerty has been carried to the August 2015 Harmony Township Committee Meeting – Jason Curreri stated he received approval of the family, he has reached out to the HTAA and will need to follow up, creating a memorial trust so he has a place to put it and there is no tax issues, will be in perpetuity so there is ability to keep maintenance up, estimated costs are \$600 for plaque and he will reach out to Home Depot for signage at the Sr. BB Field. He is requesting to carry the Resolution.
5. Sustainable Economic Development Plan and Municipal Planning Incentive Plan w/ Susan Gruel, Planner – Mrs. Guel will be invited to the August Meeting. The August meeting was rescheduled at this time to August 10th at 6 p.m.

Vouchers

Motion by Yamrock, seconded by Comely to approve payment of bills submitted by the CFO at this time. Roll Call: Ayes: Tipton, Cornely, Yamrock

Public

Comment

There were no public comments

Salt Shed	Mr. Cornely and Mr. Duveneck updated the committee on the salt shed. Mr. Duveneck stated he was in touch with a company that has a substantial top. It's called Bright Span and he worked with them, they visited the site so they could see where the structure would go and they gave 3 different options. The prices surprised him because they were higher than expected. There is a 46 x 78 which would hold a 1,000 tons on 3 x 3 x 6 ft blocks, 2 high. The price is estimated at \$131,000. The next was on T-wall which is a poured wall. It is 46 x 80 and the wall is 8.5 ft tall which will hold 1,200 tons and its estimated price is \$147,000. The third option has 12.5 ft walls and a 36 x 80 roof which will holds 1,700 tons is \$179,000. All estimates are over \$100,000. He discussed this with Mr. Cornely and one thing is the costs of the 3 structures does not include excavation, and it doesn't include preparation for laying the blocks down. That would be done by the DPW. He suggested putting it out to bid and have an alternate where they supply just the cover and figure out how to construct the blocks ourselves. You may save \$50,000 or more. You would need to hire a contractor and it should be carefully considered. Farmtek also supplies a similar product to Bright Span but at much reduced prices and it may be feasible to look into to see what they can provide. More information should be gathered to discuss what options are the best. Rick will discuss the building with DCA.
Brainards	Mrs. Yamrock enlightened the committee to complaints received about people coming into the Brainards area from out of state and out of Harmony parking their cars and doing drugs in the Brainards area. This is a concern that the committee should do something about. Mrs. Nemeth, public, indicated the police have been patrolling in the morning. Mayor Tipton indicated he has spoken with Sgt. Softhouser and he said a lot of the problem is the Pennsylvania people coming across. He is working with the PA State Police but it's not that easy. Mayor Tipton said that people need to call the police when they see something. Kelley has sent a letter out to the residents alerting them to what they need to do if they see things going on.
Public Comment	Jane Nemeth asked Mr. Fritts about the vacant house next to hers. She said it is all grown up again.
Adjourn	Motion by Yamrock, seconded by Cornely and carried unanimously to adjourn the meeting at this time.

Kelley D. Smith, Municipal Clerk